

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Specification

The specification has been amended to place it in better form. It is respectfully submitted that no new matter has been added.

Claims Status

Claims 1 through 26 remain pending in the application. Claims 1, 2, 8, 14, 15, and 21 have been amended to improve their form. It is respectfully submitted that no new matter has been added. Claims 1, 8, 15, and 21 are the only independent claims pending in the application.

Art Rejections

Claims 1 through 3, 8, 9, 14 through 16, 21, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,449,451 (Tsuruya, et al.).

Claims 4 through 7, 10 through 13, 17 through 20, and 23 through 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuruya, et al. in view of U.S. Patent No. 6,841,327 (Otake, et al.).

The rationale underlying the art rejections is succinctly set forth in the Official Action.

Response to Art Rejections

The rejections are respectfully traversed.

Amended Claim1 calls for an image forming apparatus that includes a single electrostatic latent image bearing member and a cyclic image forming unit group i) which is provided in a circular arrangement with a plurality of image forming units each having a replenishing developer cartridge containing a replenishing developer, and a developing assembly, and forming respective different-color toner images on the electrostatic latent image bearing member and ii) which is so constructed that each image forming unit is rotatively movable to a development position; an exposure position and a development position at the time of forming respective-color toner images being the same for each color; the respective-color toner images formed on the electrostatic latent image bearing member being superimposingly transferred under registration onto a recording medium via, or not via, an intermediate transfer member, and the respective-color toner images formed on the electrostatic latent image bearing member being transferred to the recording medium or the intermediate transfer member at the same transfer position; at least one of the image forming units being a special-color image forming unit having a special-color replenishing developer cartridge containing a special-color color component replenishing developer, and at least one of the other image forming units being a non-special-color image forming unit having a non-special-color replenishing developer cartridge containing a non-special-color color component replenishing developer other than the special-color color component replenishing developer; the special-color image forming unit performing image formation by the use of a two-component developer containing a carrier and a toner; the special-color replenishing developer cartridge having a volume larger than the volume of the non-special-color replenishing developer cartridge; and the special-color color component replenishing developer containing a toner and a carrier.

The claimed invention takes into account that each of the colors used to form images may be used with different frequencies. A color to be used with high frequency is deemed a “special color”. The volume of a developer cartridge for replenishing a special-color developer is made larger than the volume of developer cartridges for replenishing non-special colors. Accordingly, the replacement frequency of the developer cartridge of the special color can be reduced.

In an image forming apparatus having such an arrangement, since the special color developer is used more frequently, a special-color developing unit undergoes additional stress caused by vibration during development. This stress tends to result in deterioration in the special-color developer.

Accordingly, the present invention uses a two-component developer having a toner and a carrier, as a replenishing developer for the special-color developer. When replenishing the special-color developer, fresh carrier is provided along with a toner so that the special-color developer inside the special-color developing unit does not deteriorate. Thus, while reducing the replacement frequency of the special-color developing unit, good image formation using the special-color developer is maintained.

Tsuruya, et al. discloses an image forming apparatus, wherein the volume of at least one developer-containing part is larger than the volume of other developer-containing parts, thereby reducing frequency of replenishment of a developer used with high frequency.

Although Tsuruya, et al. describes toner replenishment, there is no disclosure or suggestion of a carrier being provided along with a toner as a replenishing developer. In

addition, Tsuruya, et al. does not teach or suggest that use of a replenishing developer containing a toner and a carrier, ensure the good image formation can be maintained.

Otake, et al. is merely cited for allegedly showing salient features of the invention recited in certain dependent claims. Otake, et al. does not describe or suggest that the volume of the replenishing developer cartridge for a special color is larger than the volume of the replenishing developer cartridges of non-special colors. In addition, Otake, et al. does not disclose or suggest a toner and a carrier is used as a replenishing developer.

It is also respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

Independent Claim 8 calls for a replenishing developing kit and independent Claims 15 and 21 call for an image forming apparatus, which also comprise at least one image forming unit being a special-color image forming unit having a special-color replenishing developing cartridge containing a special-color component replenishing developer wherein the special-color replenishing developer cartridge has a volume larger than the volume of a non-special-color replenishing developer cartridge and wherein the special-color component replenishing developer contains a carrier and a toner.

Accordingly, independent Claims 8, 15 and 21 also are allowable over Tsuruya, et al. for at least the same reasons that amended independent Claim 1 is allowable over Tsuruya, et al.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 15, and 21 are allowable over Tsuruya, et al. and Otake, et al. whether taken individually or in combination.

Dependent Claims

Claims 2 through 7, 9 through 14, 16 through 20, and 22 through 26 depend either directly or indirectly from one of Claims 1, 8, 15, and 21 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention.

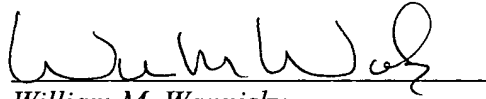
Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Wm Wannisky', is written over a horizontal line.

William M. Wannisky
Attorney for Applicants
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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